

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

Cathy E. Cournoyer  
360 Pearson Road  
Sumter, S.C. 29154.

SCDOI File Number:124962.

**Default Order Revoking  
All Insurance Producer's Licensing  
Privileges**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2004), by the State of South Carolina Department of Insurance upon above named respondent, by both certified mail, return receipt requested, and by regular mail on April 27, 2005.

By that letter, Ms. Cournoyer was informed of her right to request a public hearing upon the allegations of impropriety contained within the letter against her. Further, she was warned that her failure to make a timely, written request would result in my summary revocation of her license to do business as a resident insurance producer within the State of South Carolina. Despite that warning, Ms. Cournoyer has failed to request a public hearing. On June 16, 2005, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance producer within the State of South Carolina, Cathy E. Cournoyer was convicted on or about December 16, 2004, of the crime of "Burglary/ 3<sup>rd</sup>. Degree-1<sup>st</sup> offense", by a Clarendon County, South Carolina, General Sessions Court, Docket Number: 2004GS1400361.

S.C. Code Ann. § 38-43-130 (Supp. 2004) provides: "The director or his designee may suspend or revoke an agent's license after ten day's notice...when it appears that an agent has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State. Subsection (C)(6) defines "deceived or dealt unjustly with the citizens of this State" to include, but not limited to, action or inaction by the producer as follows: "having been convicted of a felony."

In accordance with my findings of fact, and considering Cathy Cournoyer's failure to avail herself of her opportunity to be heard, I now conclude, as a matter of law, that she was, in fact, convicted of the crime above described, which is a crime of moral turpitude. Therefore, all her insurance licensing privileges should be revoked.

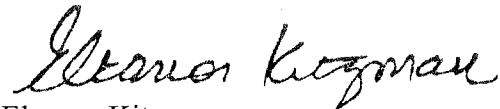
This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-40-10, *et seq.*(1991 and Supp. 2004). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of

action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (Supp. 2004).

It is therefore ordered that Cathy E. Cournoyer's license to transact business as a resident insurance producer within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to her.

It is further ordered that a copy of this order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Ms. Cournoyer is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance producer within the State of South Carolina.

This order takes effect upon the date of my signature below.



Eleanor Kitzman  
Director

Done *Me*, 2005, at  
Columbia, South Carolina

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**Affidavit of Default**

Personally appeared before me Joseph D. McMaster, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was an attorney representing the State of South Carolina Department of Insurance in this administrative action. He further stated the following:

The Department served notice on Cathy E. Cournoyer at the address detailed above, by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke her license to act as a resident insurance producer within the State of South Carolina in thirty days. The Department served the Notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2004), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That Notice further informed Ms. Cournoyer of her opportunity, within thirty days, to request in writing a public hearing.

The United States Postal Services attempted to effect service of the Notice by certified mail, return receipt requested, and by regular mail, on several occasions, starting on or about April 28, 2005, at the last known address. Ms. Cournoyer has made no request for a public hearing or any other response to the Notice. The time in which to do so has expired. She is now in default.

  
Joseph D. McMaster  
Associate General Counsel

South Carolina Department of Insurance  
Post Office Box 100105  
Columbia, South Carolina 29202-3105  
(803) 737-6132

Sworn to and subscribed before me  
This 6 day of June, 2005.



Steven R. DuBois  
Notary Public for the State of South Carolina  
My Commission Expires May 10, 2009